

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 28-51 are presently active, and Claims 1-27 are canceled without prejudice.

In the outstanding Office Action, Claims 1-51 were provisionally rejected on the ground of non-statutory obviousness-type double patenting over Claims 1-31 of copending Application No. 10/624,555, Claims 1-18 of copending Application No. 10/661,600 and Claims 1-27 of copending Application No. 10/603771. Claims 13-14, 17-21 and 39-47 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kunii et al. (US 2002/0047580).

First, Applicants wish to thank Examiner Kunemund for the courtesy of an interview granted to Applicants' representatives on September 5, 2006, at which time the outstanding issues in this case were discussed. Arguments similar to the ones developed hereinafter were presented and the Examiner indicated that in light of the arguments, he would reconsider the outstanding grounds for rejection upon formal submission of a response.

Regarding the 35 U.S.C. § 103(a) rejection of Claims 39-47, Applicants respectfully traverse the outstanding grounds for rejection, because in Applicants' view, independent Claims 39-41, 45-47 and 49 patentably distinguish over Kunii et al., as discussed below.

Claim 39 recites, *inter alia*, "the method using a phase shifter having a **first phase shift line** which **linearly** extends along a predetermined direction and a **second phase shift line** which is continuous with the first phase shift line and **meanders** along the predetermined direction" (emphasis added).

Instead, Kunii et al. discloses in Fig. 10 a phase shift mask with a phase difference of 180 degree given on the right and left sides with respect to the stepped portion taken as a boundary. However, Kunii et al. does not disclose that the phase mask has a first phase shift

line linearly extending along a predetermined direction and a second phase shift line being continuous with the first phase shift line and meandering along the predetermined direction.

Thus, Similarly, Kunii et al. fails to teach or suggest “the method using a phase shifter having a first phase shift line which linearly extends along a predetermined direction and a second phase shift line which is continuous with the first phase shift line and meanders along the predetermined direction,” as recited in Claim 39.

Similarly, Kunii et al. fails to teach or suggest “the method using a phase shifter having a first phase shift line which meanders with a first shaped width along a predetermined direction and a second phase shift line which is continuous with the first phase shift line and meanders with a second shaped width substantially larger than the first shaped width along the predetermined direction,” as recited in Claim 40.

Similarly, Kunii et al. fails to teach or suggest “the method using a phase shifter having a first phase shift line which linearly extends along a predetermined direction, a second phase shift line which is continuous with the first phase shift line and meanders along the predetermined direction, and a third phase shift line which linearly extends and crosses the first phase shift line,” as recited in Claim 41.

Similar arguments set forth above apply to Claims 45-47 and 49.

Accordingly, independent Claims 39-41, 45-47 and 49 patentably distinguish over Kunii et al. Therefore, Claims 39-41, 45-47 and 49 and the pending Claims 42-44, 48 and 50-51 dependent directly or indirectly from Claims 39-41, 45-47 and 49 are believed to be allowable.

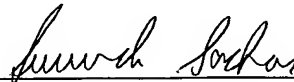
Finally, regarding the provisional double-patenting rejection, Applicants respectfully submit that Application No. 10/624,555, Application No. 10/661,600 and Application No. 10/603771 have already been issued as the U.S. Patent No. 7,056,626, the U.S. Patent No. 7,018,749 and the U.S. Patent No. 7,011,709, respectively. The claims of these three patents

do not recite "wherein the phase shifter has a first phase shift line which linearly extends along a predetermined direction and a second phase shift line which is continuous with the first phase shift line and meanders along the predetermined direction," as recited in Claim 28, "wherein the phase shifter has a first phase shift line which meanders with a first shaped width along a predetermined direction and a second phase shift line which is continuous with the first phase shift line and meanders with a second shaped width substantially larger than the first shaped width along the predetermined width," as recited in Claim 29, and "wherein the phase shifter has a first phase shift line which linearly extends along a predetermined direction, a second phase shift line which meanders along the predetermined direction and a third phase shift line which linearly extends and crosses the first phase shift line," as recited in Claim 31. Similar arguments apply to Claims 30 and 32-51. Thus, Applicants respectfully request withdrawal of the provisional double-patenting rejection of Claim 28-51.

Consequently, in view of the present amendment and in light of the above discussions, it is believed that the outstanding rejection has been overcome, and the application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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